

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO HOUSE BILL 559

Call to Order: By **CHAIRMAN KEN MILLER**, on April 12, 2001 at 1:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Sen. Ken Miller, Chairman (R)
Rep. Mark Noennig, Vice-Chairman (R)
Sen. Duane Grimes (R)
Rep. Rick Laible (R)

Members Excused: Sen. Chris Christiaens (D)
Rep. Gary Matthews (D)

Members Absent: None.

Staff Present: None.

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB559, 4/13/2001

Conference Committee Meeting on HB559

REP. LAIBLE said the Senate had rejected the amendment this committee had put on the bill at their meeting on April 10. He noted this amendment's purpose had been to take away all of the Senate's amendments. He asked **REP. NEONNIG** what were the problems with the bill.

REP. NOENNIG said there were two problems. The first one was that according to existing law if the tenant did not pay rent within 15 days, the landlord is entitled to terminate the tenancy and proceed with eviction proceedings. This bill reduces the time

period for non-payment of rent within a mobile home court from 15 to 3 days, but also calls for the acceptance of rent as the landlord's duty at any time providing the attorney fees are paid. The landlords like the bill and the tenants prefer the law the way it is, he said.

SEN. MILLER said the tenants he had heard from did like the 3 days because they are frustrated when they have a problem neighbor right next door to them and the landlord can't do anything about it because of sometimes for months.

REP. NOENNIG said that was a fair statement. He said the second problem was the provision added in the bill which dealt with the violation of the health and safety rule which required a 24 hour notice by owner. He said the bill, as enacted, added language which conflicts. He said the concern was even if the health and safety violation was remedied within 24 hours, the party would still have to move within 14 days. He cited the violation of shooting a gun, which could easily be remedied within 24 hours. He said they need to reconcile the language and he would like some time to sift through the language after having worked on the bill for several months. He said the language was undecipherable, and he agreed with **CHAIRMAN MILLER** and **Mr. Campbell** that it didn't make sense. However, he said the issue still remained about what would happen if a tenant committed an act of immediate threat to the health and safety of the other tenants. If the tenant remedied it, should the tenant be allowed to stay, he asked.

CHAIRMAN MILLER said the landlord should have the discretion to decide what to do in the first place.

REP. NOENNIG said the Senate wrote if remedied within 24 hours, it does not terminate it, but they still have 14 days according to the bill, so it is inconsistent. They say the opposite things.

CHAIRMAN MILLER asked if it worked to strike the amendment.

REP. NOENNIG said it works to put it back the way he had it.

CHAIRMAN MILLER asked **Melissa Case, Montana People's Action, and Rhonda Carpenter, Montana Housing Providers**, if they would like to speak for a few minutes each.

Ms. Case said "attorney fees" is a scary term for many people and she believed it would be best to keep the "15 days to accept the rent" clause, and the leave off the attorney fees part.

Ms. Carpenter said there were people with plaques on their walls who don't understand this bill. She asked the committee to accept one set of amendments or the other and not to send the bill to a Free Conference Committee. "My clients are afraid of attorney fees too, but that is not why you pass legislation," she said. She said a lease is a contract and a landlord needs a guarantee, and needs a part of the law to enforce this.

REP. LAIBLE asked if she had a preference in amendments.

{Tape : 1; Side : B; Approx. Time Counter : 0}

Ms. Carpenter said people want a health and safety problem stopped as soon as possible. She said the examples of gun shots and molestation are over long before 24 hours. The problem is, she explained, that tenants are afraid to live next door to these people. "Even when people go off to jail, they are frequently back within 24 hours," she said. If neighbors are terrified, landlords need the right to remedy this, she emphasized.

CHAIRMAN MILLER asked if she was willing to accept **REP. NOENNIG's** amendment.

Ms. Carpenter said yes.

CHAIRMAN MILLER said the motion was to strike the Senate amendments to Pages 3 and 4, and to put back the House language down to Line 3 on Page 4.

REP. NOENNIG said he appreciated that motion, and asked if there were any Senate amendments that they would want to keep.

CHAIRMAN MILLER asked if he would go along with striking all Senate amendments.

REP. LAIBLE said if we just muddy the water we'll have to re-write it again in a couple of years.

REP. NOENNIG said nobody cares about anything but the health and rent issues, and the rest can go back where they came from.

CHAIRMAN MILLER said the only Senate amendment he liked was the one on Page 2, Line 6.

REP. NOENNIG said look at Page 2, Lines 15-18, and asked how that differed from the Page 2, Line 6 amendment.

CHAIRMAN MILLER asked then if they had support just to strike all the Senate amendments.

REP. LAIBLE said that was where we were before.

(**SENATOR GRIMES** arrived.)

SENATOR GRIMES said they might need to be flexible on the 24 hour notice and maybe extend that to 36 hours. He said he thought the attorney fee issue bothered some of the other Senators.

CHAIRMAN MILLER explained that the language of the Senate amendments was conflicting with the bill and they were not comfortable with it so they were putting it back the way **REP. NOENNIG** had it in the House.

REP. NOENNIG said it was his understanding the 24 hour notice could not be changed without a Free Conference Committee.

CHAIRMAN MILLER said he was correct. He said they should present their changes again to the Senate and do a better job explaining it.

REP. NOENNIG suggested the number of days be changed to somewhere between 7 and 10, and leave out the right make the rent whole. He said whatever number of days they chose, would be the number of days in which the rent would have to be paid, and the landlord would have no duty to accept rent after that time period.

SEN. GRIMES said he felt better with 3 days.

SEN. MILLER suggested 5 days.

REP. NOENNIG said he felt 5 was harsh, and they should have more time if they didn't have the money. He suggested 7 days.

CHAIRMAN MILLER said he would withdraw his motion made 45 minutes ago and asked for a new motion.

REP. NOENNIG moved to reject 15 of the Senate amendments, and on amendment 12 to strike "15" and insert "7" calendar days.

Motion carried unanimously by all present`.

April 12, 2001

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ADJOURNMENT

Adjournment: 2:00 P.M.

SEN. KEN MILLER, Chairman

Jane Nofsinger, Secretary

MN/KM/

EXHIBIT (cch83hb0559aad)